

## EXHIBIT 66

1                         UNITED STATES DISTRICT COURT  
2                         FOR THE NORTHERN DISTRICT OF OHIO  
3                         EASTERN DIVISION

4                         IN RE: NATIONAL                       )  
5                         PRESCRIPTION                       )    MDL No. 2804  
6                         OPIATE LITIGATION               )  
7                         \_\_\_\_\_  
8                         )    Case No.  
9                         )    ) 1:17-MD-2804  
10                        )    )  
11                        THIS DOCUMENT RELATES )    Hon. Dan A.  
12                        TO ALL CASES                       )    Polster

13                        TUESDAY, JULY 31, 2018

14                        9  
15                        HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
16                        CONFIDENTIALITY REVIEW  
17                        11                        - - -

18                        12                        Videotaped deposition of Nathan J.  
19                        13                        Hartle, held at the offices of Covington &  
20                        14                        Burlington, LLP, One City Center, 850 Tenth  
21                        15                        Street Northwest, Washington, DC, commencing  
22                        16                        at 9:04 a.m., on the above date, before  
23                        17                        Carrie A. Campbell, Registered Diplomate  
24                        18                        Reporter, Certified Realtime Reporter,  
25                        19                        Illinois, California & Texas Certified  
                                20                        Shorthand Reporter, Missouri & Kansas  
                                21                        Certified Court Reporter.

22                        22                        - - -  
23                        23                        GOLKOW LITIGATION SERVICES  
24                        24                        877.370.3377 ph | 917.591.5672 fax  
25                        25                        deps@golkow.com

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<p>1 MS. HENN: Objection to form.</p> <p>2 THE WITNESS: All I can tell</p> <p>3 you is I -- what I've heard is that</p> <p>4 it's the term that came from DEA.</p> <p>5 QUESTIONS BY MR. FARRELL:</p> <p>6 Q. On page 2, it identifies</p> <p>7 several different topics: public health</p> <p>8 issue, DEA focus, McKesson involvement,</p> <p>9 current status, and Lifestyle Drug Monitoring</p> <p>10 Program. So these will be our jeopardy</p> <p>11 questions today.</p> <p>12 Public health issues. Can you</p> <p>13 read what the very -- on page 3, can you read</p> <p>14 what the first item is?</p> <p>15 A. "Abuse of prescription drugs</p> <p>16 has risen 66 percent since 2000."</p> <p>17 Q. So this is McKesson telling</p> <p>18 McKesson employees that we're in the business</p> <p>19 of selling opium pills, and abuse has risen</p> <p>20 66 percent since 2000.</p> <p>21 Does that not give you,</p> <p>22 Mr. McKesson Corporation, pause to think</p> <p>23 about whether or not your role in the chain</p> <p>24 of distribution is contributing to the abuse?</p> <p>25 MS. HENN: Objection to form.</p>	<p>1 trying to make a snarky remark.</p> <p>2 MS. HENN: Thank you.</p> <p>3 QUESTIONS BY MR. FARRELL:</p> <p>4 Q. Not everyone is engaged in the</p> <p>5 chain of distribution of opium pills, though?</p> <p>6 MS. HENN: Objection to form.</p> <p>7 THE WITNESS: Agree.</p> <p>8 QUESTIONS BY MR. FARRELL:</p> <p>9 Q. So I'm asking you, McKesson</p> <p>10 Corporation, whether or not you have any</p> <p>11 regrets about selling so many opium pills.</p> <p>12 MS. HENN: Objection to form.</p> <p>13 Outside the scope.</p> <p>14 THE WITNESS: Back to your</p> <p>15 question about this, I would -- sure</p> <p>16 that gives you pause, I mean, to</p> <p>17 understand that there's an epidemic</p> <p>18 out there. And clearly there's many</p> <p>19 players involved in the flow of</p> <p>20 distribution.</p> <p>21 QUESTIONS BY MR. FARRELL:</p> <p>22 Q. As of 2007, McKesson is</p> <p>23 recognizing that opioid painkillers kill more</p> <p>24 than cocaine and heroin combined, agreed?</p> <p>25 MS. HENN: Objection to form.</p>
<p style="text-align: center;">Page 219</p> <p>1 THE WITNESS: Can you ask that</p> <p>2 again, please?</p> <p>3 QUESTIONS BY MR. FARRELL:</p> <p>4 Q. This is McKesson telling</p> <p>5 McKesson employees that abuse of prescription</p> <p>6 drugs has risen 66 percent since the year</p> <p>7 2000.</p> <p>8 Does that not give you,</p> <p>9 Mr. McKesson Corporation, pause to think</p> <p>10 about whether or not your role in the chain</p> <p>11 of distribution is contributing to such</p> <p>12 abuse?</p> <p>13 MS. HENN: Objection to form.</p> <p>14 THE WITNESS: I think it's --</p> <p>15 it should give everybody pause that</p> <p>16 that was the trend that was going on,</p> <p>17 and it's a piece of information shared</p> <p>18 with leaders to inform them. So --</p> <p>19 QUESTIONS BY MR. FARRELL:</p> <p>20 Q. But not everybody is selling</p> <p>21 opium pills; McKesson is.</p> <p>22 MS. HENN: Counsel, can we just</p> <p>23 make sure we let the witness finish</p> <p>24 his answers?</p> <p>25 MR. FARRELL: Sure. I was</p>	<p style="text-align: center;">Page 221</p> <p>1 THE WITNESS: Agree.</p> <p>2 QUESTIONS BY MR. FARRELL:</p> <p>3 Q. And these are McKesson's words.</p> <p>4 Where is McKesson getting this</p> <p>5 data from?</p> <p>6 MS. HENN: Objection to form.</p> <p>7 Outside the scope.</p> <p>8 THE WITNESS: I don't know</p> <p>9 specifically where they -- their</p> <p>10 source of data for that particular</p> <p>11 line, but information from different</p> <p>12 sources. Could be DEA, could be CDC,</p> <p>13 it could be wherever.</p> <p>14 QUESTIONS BY MR. FARRELL:</p> <p>15 Q. It says here, "Rogue Internet</p> <p>16 pharmacies distributing oxycodone,</p> <p>17 hydrocodone, phentermine and alprazolam," yet</p> <p>18 McKesson was selling to rogue Internet</p> <p>19 pharmacies, true?</p> <p>20 MS. HENN: Objection to form.</p> <p>21 Outside the scope.</p> <p>22 THE WITNESS: Can you ask that</p> <p>23 again, please?</p> <p>24 QUESTIONS BY MR. FARRELL:</p> <p>25 Q. McKesson is noting that rogue</p>

<p style="text-align: right;">Page 222</p> <p>1 Internet pharmacies are selling oxycodone and 2 hydrocodone, yet what's missing from this 3 slide is the fact that McKesson was supplying 4 the pills to the rogue Internet pharmacies. 5 MS. HENN: Objection to form. 6 THE WITNESS: And what's your 7 specific question again? 8 QUESTIONS BY MR. FARRELL: 9 Q. What gives? 10 MS. HENN: Objection to form. 11 THE WITNESS: I don't know what 12 type of response a "what gives" 13 question is. 14 QUESTIONS BY MR. FARRELL: 15 Q. Yeah. You're noting that 16 people are dying, and part of the reason is 17 that rogue Internet pharmacies are out there. 18 Yet McKesson, during this time frame, is 19 selling to some of those very same Internet 20 pharmacies, and that's what the DEA fined you 21 for. 22 So is this ignorance of who 23 you're selling to? Is this repackaging, 24 reframing the issue? Or is it just flat out 25 a misrepresentation?</p>	<p style="text-align: right;">Page 224</p> <p>1 QUESTIONS BY MR. FARRELL: 2 Q. You understand that to be true? 3 A. -- I understand that to be 4 true. 5 Q. So McKesson Corporation admits 6 it was selling oxycodone and hydrocodone to 7 rogue Internet pharmacies in and around 2007? 8 MS. HENN: Objection to form. 9 Outside the scope. 10 THE WITNESS: Again, I don't 11 know the specific examples and -- 12 QUESTIONS BY MR. FARRELL: 13 Q. I'm not asking for specific 14 examples. 15 A. Right. 16 Q. I'm asking you to confirm that 17 in 2007, McKesson Corporation was selling 18 oxycodone and hydrocodone to rogue Internet 19 pharmacies. 20 MS. HENN: Objection to form. 21 And, Counsel, I'll just ask you 22 to let him finish his answers so that 23 he can get his answers out. 24 MR. FARRELL: Yes, ma'am. 25 THE WITNESS: Again, I don't</p>
<p style="text-align: right;">Page 223</p> <p>1 MS. HENN: Objection to form. 2 Outside the scope. 3 THE WITNESS: This is raising 4 awareness in -- about the issues that 5 are the public health issues, 6 communicating with leaders and sharing 7 the -- where McKesson is enhancing the 8 program. 9 QUESTIONS BY MR. FARRELL: 10 Q. But you understand that the 11 rogue Internet pharmacies were getting their 12 pills from, among other people, McKesson, 13 agreed? 14 A. I understand. 15 MS. HENN: Objection to form. 16 QUESTIONS BY MR. FARRELL: 17 Q. Agreed? 18 A. I understand. Agreed. 19 Q. I'm asking if you understand. 20 I want you to confirm that the rogue Internet 21 pharmacies were in fact getting some of their 22 pills from McKesson. 23 MS. HENN: Objection to form. 24 THE WITNESS: I don't have 25 specific details on that, but --</p>	<p style="text-align: right;">Page 225</p> <p>1 have the specific examples. I believe 2 that to be true, but I don't know the 3 specific details. 4 QUESTIONS BY MR. FARRELL: 5 Q. The next page, page 4, 6 "Internet pharmacies." It says, 7 "Investigative work hours have doubled." 8 Do you know what it doubled 9 from or to? 10 A. I do not. 11 Q. "Cutting supply critical to 12 success." 13 What does that mean? 14 A. I don't know. I don't know 15 what the speaking points or -- it's one 16 bullet. I'm not sure how it was represented 17 or communicated. 18 Q. Do you know what price 19 diversion is? 20 A. Not specifically. 21 Q. Was McKesson at this time 22 considering that some of the Internet 23 pharmacies were competing with McKesson for 24 business? 25 MS. HENN: Objection to form.</p>

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<p>1        THE WITNESS: I do not know.</p> <p>2        Pricing is not my area.</p> <p>3    QUESTIONS BY MR. FARRELL:</p> <p>4        Q. Okay. It says, "Wholesalers."</p> <p>5    DEA expects that you know your customers."</p> <p>6        What does that mean? It's in</p> <p>7    quotations.</p> <p>8        A. Right.</p> <p>9        MS. HENN: Objection to form.</p> <p>10      MR. FARRELL: Well, it is in</p> <p>11    quotations, isn't it?</p> <p>12      MS. HENN: I was objecting to</p> <p>13    asking what DEA means when they said</p> <p>14    "know your customers." That was what</p> <p>15    was my objection.</p> <p>16    QUESTIONS BY MR. FARRELL:</p> <p>17      Q. So McKesson is writing a slide</p> <p>18    following a meeting with the DEA, reporting</p> <p>19    to the DEA employees what the DEA's focus</p> <p>20    was, and what McKesson is reporting is that</p> <p>21    the DEA expects you to know your customers.</p> <p>22        Is that fair?</p> <p>23        A. That's fair.</p> <p>24        Q. And when we do, quote, "know</p> <p>25    our customers," end quote, that's a tag line</p>	<p>1        Go ahead.</p> <p>2        THE WITNESS: That's what</p> <p>3        the -- that's what the DEA expects, I</p> <p>4        guess, yeah.</p> <p>5    QUESTIONS BY MR. FARRELL:</p> <p>6        Q. Does McKesson acknowledge that</p> <p>7    it is accountable for controlling the</p> <p>8    quantities of opium pills shipped to American</p> <p>9    pharmacies?</p> <p>10      A. We're accountable as a</p> <p>11    distributor.</p> <p>12      Q. The next thing says, "5,000</p> <p>13    dose units is average."</p> <p>14      The average American pharmacy</p> <p>15    in 2007, as reported by the DEA to McKesson,</p> <p>16    was that 5,000 doses of oxycodone or 5,000</p> <p>17    doses of hydrocodone was average.</p> <p>18      A. That's what the DEA -- DEA</p> <p>19    calculations.</p> <p>20      Q. And McKesson at least validated</p> <p>21    that number by repeating it on a slide to the</p> <p>22    national operations conference in 2007.</p> <p>23      MS. HENN: Objection to form.</p> <p>24    QUESTIONS BY MR. FARRELL:</p> <p>25      Q. Agreed?</p>
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<p>1    for distributors with regard to knowing the</p> <p>2    customers you're selling opium pills to?</p> <p>3        MS. HENN: Objection to form.</p> <p>4        THE WITNESS: That is a DEA tag</p> <p>5    line.</p> <p>6    QUESTIONS BY MR. FARRELL:</p> <p>7        Q. And then the next sentence, can</p> <p>8    you read it out loud, please?</p> <p>9        A. The next bullet?</p> <p>10      Q. Yes.</p> <p>11      A. "Wholesalers accountable for</p> <p>12    controlling quantities shipped."</p> <p>13      Q. Is that true or not true?</p> <p>14      MS. HENN: Objection to form.</p> <p>15      THE WITNESS: Can you add a</p> <p>16    little more context to your question?</p> <p>17    I know it's a true/false question,</p> <p>18    but --</p> <p>19    QUESTIONS BY MR. FARRELL:</p> <p>20      Q. Yes.</p> <p>21      The DEA expects the wholesalers</p> <p>22    to be accountable for controlling quantities</p> <p>23    that they ship.</p> <p>24      Is that fair or unfair?</p> <p>25      MS. HENN: Objection to form.</p>	<p>1        A. I wouldn't say that they</p> <p>2    validated. We just repeated what was shared.</p> <p>3        Q. Did McKesson undertake any</p> <p>4    investigation to determine what the average</p> <p>5    was itself?</p> <p>6        A. I believe they did. I can't</p> <p>7    speak to the examples, but we've used</p> <p>8    analysts and reviewed data when developing</p> <p>9    thresholds and...</p> <p>10      Q. Does McKesson acknowledge that</p> <p>11    in 2007 5,000 dose units was average in the</p> <p>12    United States of America?</p> <p>13      MS. HENN: Objection to form.</p> <p>14      Outside the scope.</p> <p>15      THE WITNESS: We acknowledge</p> <p>16    that's what the DEA shared. I mean,</p> <p>17    there's many ways to get averages.</p> <p>18    QUESTIONS BY MR. FARRELL:</p> <p>19      Q. Sitting here today, does</p> <p>20    McKesson Corporation have any reason to</p> <p>21    disagree or dispute the DEA's estimation of</p> <p>22    what the average dose unit was?</p> <p>23      MS. HENN: Objection to form.</p> <p>24      Outside the scope.</p> <p>25      THE WITNESS: What I would</p>

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<p>1 share is I believe that average is a      2 very rudimentary average, all      3 pharmacies divided by pills, and so it      4 doesn't account for different pharmacy      5 size. So it's the number that is the      6 result of that basic calculation.</p> <p>7 QUESTIONS BY MR. FARRELL:</p> <p>8 Q. And as we saw from your prior      9 correspondence, McKesson was relying upon      10 that average when it estimated its threshold      11 of 8,000 units per month per pharmacy?</p> <p>12 MS. HENN: Objection to form.</p> <p>13 THE WITNESS: It was using that      14 data point. I mean not relying on      15 that number solely but using that as      16 one data point.</p> <p>17 QUESTIONS BY MR. FARRELL:</p> <p>18 Q. So the answer is yes?</p> <p>19 MS. HENN: Objection to form.</p> <p>20 THE WITNESS: Not yes to that      21 fact we relied on it. We used the      22 data point.</p> <p>23 QUESTIONS BY MR. FARRELL:</p> <p>24 Q. So McKesson Corporation used      25 the 5,000 dose unit as an average supplied</p>	<p>1 is talking about a November 5th      2 correspondence.</p> <p>3 A. I don't recall.</p> <p>4 Q. The next one, "January 6, 2007,      5 meeting with DEA in Washington, DC."</p> <p>6 And would you read what the      7 bullet point says?</p> <p>8 A. "Clear message from DEA."</p> <p>9 Q. So at this point in time,      10 McKesson is acknowledging to its entire      11 national operations conference that the      12 message they're receiving from the DEA was      13 clear?</p> <p>14 MS. HENN: Objection to form.</p> <p>15 Outside the scope.</p> <p>16 THE WITNESS: Like parts of the      17 message, sure.</p> <p>18 QUESTIONS BY MR. FARRELL:</p> <p>19 Q. So which parts were unclear?</p> <p>20 A. I don't know all of the message      21 that were communicated from DEA and how they      22 were communicated.</p> <p>23 Q. We can start with the      24 November 2006 letter from Joe Rannazzisi.      25 Certainly if there was some unclear message</p>
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<p>1 the DEA as a data point when it set a      2 threshold of 8,000 units per pharmacy per      3 month?</p> <p>4 A. I would say that's fair.</p> <p>5 Q. The next page, page 5,      6 "McKesson Involvement, September 5th DEA      7 meeting in Washington, DC, outlined Internet      8 issue."</p> <p>9 Have you reviewed any documents      10 pertaining to that meeting or the Internet      11 issue that's being referenced?</p> <p>12 A. I don't believe so.</p> <p>13 Q. Neither have I, because it      14 hasn't been produced, because I'm sure      15 counsel is going to argue it falls outside of      16 Discovery Decision Number 3.</p> <p>17 The next one, "November 5, DEA      18 notified McKesson, six pharmacies in Florida,      19 excessive hydrocodone."</p> <p>20 Have you seen that      21 correspondence?</p> <p>22 A. I can't recall if I've seen      23 that specific one.</p> <p>24 Q. You thinking about the one we      25 just read? That was April of 2007. This one</p>	<p>1 that was being sent, it would be at least      2 like a footnote here, right? Instead it      3 says, "Clear message from DEA."</p> <p>4 MS. HENN: Objection to form.</p> <p>5 Outside the scope.</p> <p>6 THE WITNESS: I don't know that      7 I -- I don't know what was      8 specifically discussed in that      9 specific meeting, so I don't know the      10 types of messages that were shared in      11 that meeting.</p> <p>12 QUESTIONS BY MR. FARRELL:</p> <p>13 Q. As of April of 2007, which we      14 believe to be the date of this conference,      15 have you seen any documentation anywhere in      16 the records of McKesson Corporation that      17 indicate that any message from the DEA to      18 date had been unclear?</p> <p>19 MS. HENN: Objection to form.</p> <p>20 Outside the scope.</p> <p>21 THE WITNESS: Have I seen      22 formal documentation where somebody      23 said DEA was unclear?</p> <p>24 QUESTIONS BY MR. FARRELL:</p> <p>25 Q. That was my question, yes.</p>

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<p>1        A. I have not seen any of that      2 documentation.</p> <p>3        Q. "October '06, order to show      4 cause. Response, settle."</p> <p>5           That's the message McKesson is      6 telling its national operations conference,      7 is they get an order to show cause from the      8 DEA, and your response is to enter into a      9 memorandum of understanding?</p> <p>10          MS. HENN: Objection to form.</p> <p>11          THE WITNESS: I don't know what      12 the context of the communication at --      13 this is one bullet point at a meeting      14 presented to a group. So there's      15 certainly speaking points and an      16 explanation. I -- so...</p> <p>17 QUESTIONS BY MR. FARRELL:</p> <p>18        Q. Fair enough.</p> <p>19        Next page, page 6, "Current      20 Status, April '07, meeting with DEA      21 attorneys. What we have done: Created new      22 report in process."</p> <p>23        This gets back to my earlier      24 questions of this new process is the      25 Lifestyle Drug Monitoring Program?</p>	<p>1           this is what you're going to do to fulfill      2 your obligations under federal law.</p> <p>3           MS. HENN: Objection to form.</p> <p>4           THE WITNESS: I'd say that's      5 what we're doing to enhance our      6 knowledge of our customers and meet      7 our requirements and enhance our      8 program.</p> <p>9 QUESTIONS BY MR. FARRELL:</p> <p>10          Q. You're making it sound like      11 this was just a voluntary effort out of the      12 thin air. This was in response to the DEA      13 charging McKesson with misconduct.</p> <p>14          MS. HENN: Objection to form.</p> <p>15          THE WITNESS: I understand      16 that.</p> <p>17 QUESTIONS BY MR. FARRELL:</p> <p>18          Q. You agree?</p> <p>19          A. Agree.</p> <p>20          Q. Now, page 9, "Daily dosage      21 summary report." This is an important point,      22 "8,000 dose unit threshold." But above      23 that -- next page, not 8, the next page.</p> <p>24          A. 9?</p> <p>25          Q. Yeah.</p>
<p>1        A. Correct.</p> <p>2        Q. It's a new process?</p> <p>3        A. It is.</p> <p>4        Q. Not a revision, not an      5 amendment, not a modification, not a --      6 what's the other word you used?</p> <p>7        A. I called it an addition to the      8 existing program.</p> <p>9        Q. Okay.</p> <p>10       A. An enhancement.</p> <p>11       Q. Next page, page 7, "Establish      12 threshold for excessive quantities, 8,000      13 dose units. Thorough due diligence of      14 customers exceeding threshold."</p> <p>15       You agree this is, in fact,      16 what the law requires?</p> <p>17       MS. HENN: Objection to form.</p> <p>18       Outside the scope.</p> <p>19       THE WITNESS: Could you ask      20 that again? This -- is it this      21 specific bullet you're talking about?</p> <p>22 QUESTIONS BY MR. FARRELL:</p> <p>23       Q. Yeah, this is McKesson's      24 Lifestyle Drug Monitoring Program, which is      25 an action plan submitted to the DEA to show</p>	<p>1           "8,000 dose unit threshold,      2 generic base code." What this means is is      3 that McKesson, when its calculating the      4 threshold, is doing it by generic base code,      5 meaning you don't get 8,000 oxy 10s and 8,000      6 oxy 20s and 8,000 oxy 40s; you get 8,000      7 oxys.</p> <p>8       A. Correct. With that base      9 ingredient.</p> <p>10       Q. Based on a four-digit base code      11 that -- provided by the DEA?</p> <p>12       A. Yes.</p> <p>13       (McKesson-Hartle Exhibit 19      14 marked for identification.)</p> <p>15 QUESTIONS BY MR. FARRELL:</p> <p>16       Q. We'll mark as 19, top      17 right-hand corner is 2007_5_15, Bates-stamped      18 MCKMDL00337303.</p> <p>19       Is this, in fact, the Lifestyle      20 Drug Monitoring Program at McKesson?</p> <p>21       A. Yes.</p> <p>22       Q. Do you recognize this document      23 as a true and authentic version of the      24 Lifestyle Drug Monitoring Program?</p> <p>25       A. I do.</p>

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<p>1 Q. And is it a document kept in      2 the regular course of business and produced      3 by your lawyers in this litigation?</p> <p>4 MS. HENN: Objection to form.</p> <p>5 THE WITNESS: Yeah.</p> <p>6 QUESTIONS BY MR. FARRELL:</p> <p>7 Q. You'll note under "reports,"      8 under "generic ingredient, base code and      9 dosage threshold," it's again affirming what      10 you've told the DEA you're going to do, and      11 that is you're going to set 8,000 doses as      12 the threshold per base code.</p> <p>13 A. Correct.</p> <p>14 Q. The bottom right-hand corner,      15 you'll see a date generated.</p> <p>16 What does it say?</p> <p>17 A. May 16, 2007.</p> <p>18 (McKesson-Hartle Exhibit 20      19 marked for identification.)</p> <p>20 QUESTIONS BY MR. FARRELL:</p> <p>21 Q. Exhibit 20, top right-hand      22 corner, 2007_06_12, Bates-stamped      23 MCKMDL00355527.</p> <p>24 I'll represent to you again,      25 this was produced by your counsel in this</p>	<p>1 It says, "Pharmaceutical      2 wholesalers, including McKesson, are being      3 held accountable for controlling the      4 qualities of these drugs -- quantities of      5 these drugs shipped to customers and will be      6 held responsible for reviewing trends as      7 indicated by the customer's order history."</p> <p>8 This is 2007, in an      9 acknowledgement by McKesson that it will be      10 held accountable for excessive orders,      11 agreed?</p> <p>12 MS. HENN: Objection to the      13 form.</p> <p>14 THE WITNESS: Agreed.</p> <p>15 QUESTIONS BY MR. FARRELL:</p> <p>16 Q. And then the next paragraph you      17 go so far as to say, "Shipment and monitoring      18 of these drugs will be measured by dose units      19 rather than sale units, with 8,000 dose units      20 as the threshold for excessive quantities."</p> <p>21 So again, this is a recognition      22 that above 8,000 units of oxycodone and      23 hydrocodone is presumptively excessive, which      24 will trigger your three-level due diligence?</p> <p>25 A. Correct.</p>
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<p>1 litigation. It is another communication      2 dated June 12, 2007, by McKesson's lawyer to      3 the DEA. And this is an update regarding the      4 progress of the implementation of the      5 Lifestyle Drug Monitoring Program.</p> <p>6 In the second sentence it      7 states, "As I stated in our last      8 conversation, McKesson has implemented this      9 program nationally, in quote, across its 30      10 distribution centers throughout the country."</p> <p>11 Again, does this imply to you      12 that you were not implementing a national      13 policy prior to this?</p> <p>14 MS. HENN: Objection to form.</p> <p>15 THE WITNESS: It implies we      16 weren't implementing this specific new      17 policy across the country.</p> <p>18 QUESTIONS BY MR. FARRELL:</p> <p>19 Q. Page 21 is a copy of a sample      20 letter you told the DEA you were sending      21 across the country. And in the second full      22 paragraph, starting with the word      23 "pharmaceutical," it says --</p> <p>24 A. I'm sorry, what page was that?</p> <p>25 Q. Page 21.</p>	<p>1 Q. The following page, page 22, is      2 an actual declaration, an affidavit that      3 you're asking people to sign about the      4 reasons they want to sell more than 8,000      5 pills.</p> <p>6 A. Correct.</p> <p>7 Q. And on page 25 is a pharmacy      8 questionnaire presumably sent to every      9 pharmacy in the country that was a customer      10 of McKesson, asking for certain data about      11 the controlled substances they're purchasing      12 from McKesson.</p> <p>13 MS. HENN: Objection to form.</p> <p>14 QUESTIONS BY MR. FARRELL:</p> <p>15 Q. This is what you're telling the      16 DEA that you'll be doing from here on out      17 starting in 2007.</p> <p>18 A. I don't know if this pharmacy      19 questionnaire was sent to every single      20 pharmacy. Chains are a little bit different.</p> <p>21 Q. I think we'll get into that      22 tomorrow.</p> <p>23 A. Okay. I'm sure we will.</p> <p>24 Q. But in general, you're sending      25 it out to all the independent pharmacies at</p>

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<p>1 participating in this amicus brief?</p> <p>2 A. I have not.</p> <p>3 Q. Are you aware of McKesson being</p> <p>4 involved at all in the amicus briefs?</p> <p>5 MS. HENN: Objection to form.</p> <p>6 THE WITNESS: I'm not.</p> <p>7 (McKesson-Hartle Exhibit 28</p> <p>8 marked for identification.)</p> <p>9 QUESTIONS BY MR. FARRELL:</p> <p>10 Q. I'm going to have marked</p> <p>11 Exhibit 28, 2012_05_05.</p> <p>12 Are you aware of the Wayback</p> <p>13 Machine?</p> <p>14 A. Excuse me?</p> <p>15 Q. Are you aware of the Wayback</p> <p>16 Machine?</p> <p>17 A. I am not.</p> <p>18 Q. The Wayback Machine is an</p> <p>19 Internet service that's free, and what it</p> <p>20 does is it's able to go and bring up old</p> <p>21 websites based on dates and time.</p> <p>22 And it just so happens that the</p> <p>23 Wayback Machine captured the HDMA website in</p> <p>24 May of 2012. This comes from the HDMA</p> <p>25 website, and this is a list of the board of</p>	<p>1 couple of questions about it.</p> <p>2 A. Okay.</p> <p>3 Q. If you flip to page 3...</p> <p>4 A. Of the brief?</p> <p>5 Q. Of the brief.</p> <p>6 The very bottom of the page --</p> <p>7 MS. HENN: Are you talking</p> <p>8 about the Bates numbers or the --</p> <p>9 MR. FARRELL: Yeah, the Bates</p> <p>10 number.</p> <p>11 MS. HENN: Thank you.</p> <p>12 QUESTIONS BY MR. FARRELL:</p> <p>13 Q. It says, "HDMA's members have</p> <p>14 not only statutory and regulatory</p> <p>15 responsibilities to detect and prevent</p> <p>16 diversion of controlled prescription drugs,</p> <p>17 but undertake such efforts as responsible</p> <p>18 members of society."</p> <p>19 Do you see that?</p> <p>20 A. I do.</p> <p>21 Q. Do you recognize this as an</p> <p>22 acknowledgement that all of the distributors</p> <p>23 in the country have a common law duty to the</p> <p>24 people of the United States of America to</p> <p>25 prevent diversion of controlled substances</p>
<p>1 directors.</p> <p>2 Now, what's an executive</p> <p>3 committee on a board of directors?</p> <p>4 MS. HENN: Objection to form.</p> <p>5 Outside the scope.</p> <p>6 THE WITNESS: That's the senior</p> <p>7 leaders driving this group.</p> <p>8 QUESTIONS BY MR. FARRELL:</p> <p>9 Q. And, Mr. McKesson Corporation,</p> <p>10 you were on the executive committee of HDMA</p> <p>11 of 2012, were you not?</p> <p>12 MS. HENN: Objection to form.</p> <p>13 Outside the scope.</p> <p>14 THE WITNESS: One of our senior</p> <p>15 leaders is.</p> <p>16 QUESTIONS BY MR. FARRELL:</p> <p>17 Q. You're in the senior leadership</p> <p>18 of HDMA, and you signed off on an amicus</p> <p>19 brief submitted to a federal court in</p> <p>20 Washington, DC, in support of one of your</p> <p>21 colleagues and members, Cardinal Health.</p> <p>22 MS. HENN: Objection to form.</p> <p>23 Outside the scope.</p> <p>24 QUESTIONS BY MR. FARRELL:</p> <p>25 Q. So I'm going to ask you a</p>	<p>1 because you're selling controlled substances?</p> <p>2 MR. SUDDATH: Objection.</p> <p>3 MS. HENN: Objection to form.</p> <p>4 Outside the scope.</p> <p>5 THE WITNESS: Okay. Could you</p> <p>6 ask me that again?</p> <p>7 QUESTIONS BY MR. FARRELL:</p> <p>8 Q. Do you recognize this as an</p> <p>9 acknowledgement that all of the distributors</p> <p>10 in the country have a common law duty to the</p> <p>11 American citizens to prevent controlled</p> <p>12 substances from being diverted into the</p> <p>13 illicit market?</p> <p>14 MR. SUDDATH: Objection.</p> <p>15 MS. HENN: Objection to form.</p> <p>16 Outside the scope.</p> <p>17 QUESTIONS BY MR. FARRELL:</p> <p>18 Q. I mean, isn't this what we</p> <p>19 talked about earlier?</p> <p>20 A. I do.</p> <p>21 Q. You do, don't you? Yes?</p> <p>22 A. Yes.</p> <p>23 Q. Because it's not just</p> <p>24 statutory, regulatory. You're engaged in</p> <p>25 selling opium pills. You owe a duty to the</p>

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<p>1 American people to do your very best to      2 prevent diversion.      3 MS. HENN: Objection to form.      4 Outside the scope.      5 QUESTIONS BY MR. FARRELL:      6 Q. Agreed?      7 A. Agreed.      8 Q. And this is your trade      9 organization making the same representation      10 to a federal court in Washington, DC?      11 MS. HENN: Same objections.      12 Objection to form. Outside the scope.      13 THE WITNESS: Yes.      14 QUESTIONS BY MR. FARRELL:      15 Q. Next sentence: "The public      16 health dangers associated with the diversion      17 and abuse of controlled prescription drugs      18 have been well-recognized over the years by      19 Congress, DEA, HDMA and its members, and      20 public health authorities."      21 Is that all true?      22 MS. HENN: Objection to form.      23 Outside the scope.      24 THE WITNESS: Yes.      25</p>	<p>1 THE WITNESS: Oh, excuse me.      2 I also remember saying that      3 certain parts of those regulations      4 related to what a suspicious order is      5 is not clear.      6 QUESTIONS BY MR. FARRELL:      7 Q. Page 7. "The societal costs of      8 prescription drug abuse are" -- what's it      9 say?      10 A. I flipped to the wrong page.      11 Excuse me.      12 "Huge."      13 Q. And if a distributor engages in      14 unlawful conduct, should the distributor be      15 held accountable for such societal costs?      16 MS. HENN: Objection to form.      17 Outside the scope.      18 THE WITNESS: Can you repeat      19 that, please?      20 QUESTIONS BY MR. FARRELL:      21 Q. If a wholesale distributor      22 engages in unlawful conduct, should it be      23 held accountable for the societal costs of      24 prescription drug abuse?      25 MR. SUDDATH: Objection.</p>
<p style="text-align: center;">Page 279</p> <p>1 QUESTIONS BY MR. FARRELL:      2 Q. The next sentence. This is the      3 part that I'd like to talk to you about, the      4 highlighted part. "The agency," meaning DEA,      5 "has failed to provide meaningful guidance to      6 assist the regulated industry in complying      7 with the DEA's interpretation of its      8 implementing regulations. HDMA respectfully      9 submits that despite the agency's oft-recited      10 refrain that the regulations are clear, the      11 regulated industry does not know the rules of      12 the road because DEA has not adequately      13 explained them."      14 McKesson has said the opposite      15 publicly and to its own people, agreed?      16 MS. HENN: Object to form.      17 QUESTIONS BY MR. FARRELL:      18 Q. Remember the slide that said      19 clear? Remember your testimony about the      20 letters and the settlement agreement? You      21 said a few minutes ago it was clear.      22 A. I do remember all of that. I      23 also --      24 MS. HENN: Object to form.      25 Go ahead.</p>	<p style="text-align: center;">Page 281</p> <p>1 MS. HENN: Same objections.      2 THE WITNESS: I believe      3 distributors have a responsibility in      4 preventing diversion.      5 QUESTIONS BY MR. FARRELL:      6 Q. So should they be held      7 accountable for the societal costs that are      8 documented in this pleading and referenced as      9 huge?      10 A. I think it depends.      11 MS. HENN: Objection to form.      12 QUESTIONS BY MR. FARRELL:      13 Q. Depends on what?      14 MS. HENN: Same objection.      15 Go ahead.      16 THE WITNESS: It depends on the      17 facts and circumstances and, you know,      18 the information about the specific      19 situation.      20 QUESTIONS BY MR. FARRELL:      21 Q. If a distributor repeatedly      22 fails to report suspicious orders, do you      23 believe it should be held accountable for the      24 societal costs of prescription drug abuse?      25 MR. SUDDATH: Objection.</p>

<p style="text-align: right;">Page 282</p> <p>1 MS. HENN: Objection to form.      2 THE WITNESS: And I believe it      3 depends.      4 QUESTIONS BY MR. FARRELL:      5 Q. On?      6 A. The facts and circumstances.      7 Q. How about the facts and      8 circumstances which led to McKesson paying      9 \$150 million fine?      10 MS. HENN: Objection to form.      11 THE WITNESS: Again, I think it      12 depends.      13 QUESTIONS BY MR. FARRELL:      14 Q. Do you think McKesson is partly      15 responsible for the societal costs of      16 prescription drug abuse in America?      17 MS. HENN: Objection to form.      18 THE WITNESS: Could you ask      19 that one again, please?      20 QUESTIONS BY MR. FARRELL:      21 Q. Do you think McKesson is partly      22 responsible for the societal costs of      23 prescription drug abuse in America?      24 MS. HENN: Objection to form.      25 THE WITNESS: Again, there's a</p>	<p style="text-align: right;">Page 284</p> <p>1 have the opportunity to look in the camera      2 and tell the jury whether or not you accept      3 partial responsibility for the societal costs      4 of prescription drug abuse in America.      5 MS. HENN: Objection to form.      6 Outside the scope.      7 QUESTIONS BY MR. FARRELL:      8 Q. I'd ask you to answer yes or      9 no.      10 MS. HENN: Same objections.      11 THE WITNESS: I'm not sure how      12 to answer that -- that question      13 specifically.      14 QUESTIONS BY MR. FARRELL:      15 Q. Well, you can say yes or --      16 A. I understand that.      17 Q. -- you can say no.      18 A. I understand that.      19 MS. HENN: Objection to form.      20 QUESTIONS BY MR. FARRELL:      21 Q. If I asked you the same      22 question in your personal capacity, would      23 that help you answer the question better?      24 MS. HENN: Same objection.      25 Objection to form.</p>
<p style="text-align: right;">Page 283</p> <p>1 lot of people involved in -- it's a      2 very complicated and multi-faceted      3 issue, so...      4 QUESTIONS BY MR. FARRELL:      5 Q. We'll get to the other people      6 in a second.      7 MS. HENN: Are you done with      8 your answer?      9 THE WITNESS: I am done.      10 MS. HENN: Okay.      11 QUESTIONS BY MR. FARRELL:      12 Q. We'll get to the others in a      13 second. I want to talk about McKesson first.      14 This is your opportunity to      15 accept partial responsibility for the      16 societal costs of prescription drug abuse in      17 America; yes or no?      18 MS. HENN: Objection to form.      19 Also outside the scope.      20 THE WITNESS: So again, it      21 depends on -- it depends.      22 QUESTIONS BY MR. FARRELL:      23 Q. You're McKesson Corporation.      24 A. Right.      25 Q. You're sitting here today. You</p>	<p style="text-align: right;">Page 285</p> <p>1 THE WITNESS: Again, it      2 depends -- I would say it doesn't      3 change my answer. It depends on the      4 role that they played.      5 QUESTIONS BY MR. FARRELL:      6 Q. Well, back to McKesson      7 Corporation, which is you sitting in the      8 chair today. Knowing what you know as the      9 30(b)(6) representative, the corporate      10 designee, knowing about your past conduct,      11 knowing about the past interactions with the      12 DEA, I'm going to ask you again: Does      13 McKesson Corporation accept partial      14 responsibility for the societal costs of      15 prescription drug abuse in America?      16 MS. HENN: Objection to form.      17 THE WITNESS: Again, you know,      18 I -- we're part of the closed system,      19 so we're responsible for preventing      20 diversion.      21 QUESTIONS BY MR. FARRELL:      22 Q. So the answer is?      23 MS. HENN: Objection to form.      24 THE WITNESS: Again, I think      25 we're responsible for something. I</p>

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<p>1 don't know what -- how you define all      2 societal costs and -- I still believe      3 it depends on different circumstances.</p> <p>4 QUESTIONS BY MR. FARRELL:</p> <p>5 Q. Sir, we're not going to parse      6 out percentages.</p> <p>7 A. Yeah.</p> <p>8 Q. Let's just talk globally for      9 McKesson Corporation. So I don't want to put      10 words in your mouth because it's got to come      11 out of your mouth. So the answer is yes or      12 no.</p> <p>13 MS. HENN: Objection to form.</p> <p>14 THE WITNESS: I would say yes,      15 partially.</p> <p>16 QUESTIONS BY MR. FARRELL:</p> <p>17 Q. How about Purdue Pharma? Does      18 McKesson Corporation take the position that      19 Purdue Pharma is partially responsible for      20 the societal costs of prescription drug abuse      21 in America?</p> <p>22 MS. HENN: Objection to form.</p> <p>23 Outside the scope.</p> <p>24 THE WITNESS: I'm not going to      25 answer for other companies. I'm --</p>	<p>1 A. I have not.</p> <p>2 Q. Do you know who Gary Boggs is?</p> <p>3 A. I do know Gary.</p> <p>4 Q. I'll represent to you that on      5 the metadata that was provided by the --      6 McKesson, indicates that this presentation is      7 dated in late 2012 -- wait, late 2013, I      8 think, probably before Gary Boggs came on to      9 McKesson. We'll ask him when we depose him.      10 But anyway, this is a McKesson      11 spreadsheet from Gary Boggs. Gary Boggs is      12 former DEA.</p> <p>13 A. PowerPoint, not spreadsheet.</p> <p>14 Q. Yeah, I'm sorry.</p> <p>15 A. Okay.</p> <p>16 Q. He's former DEA, correct?</p> <p>17 A. Correct.</p> <p>18 Q. He was the number 2 man on Joe      19 Rannazzisi, yes?</p> <p>20 A. Yes.</p> <p>21 Q. And as we'll see later, he was      22 actually in the room for one of the      23 presentations when DEA was negotiating with      24 McKesson on the 2008 settlement.</p> <p>25 Is that your memory as a</p>
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<p>1 it's like I answered my question:      2 Those involved in this space,      3 depending on the facts and      4 circumstances, may be. So, yes.</p> <p>5 QUESTIONS BY MR. FARRELL:</p> <p>6 Q. Flip to page 8, the last      7 paragraph. Your trade organization is saying      8 that the "DEA's goal, the prevention of      9 diversion of controlled prescription drugs,      10 is, of course, a public good."</p> <p>11 Does McKesson validate,      12 acknowledge and affirm that statement?</p> <p>13 MS. HENN: Objection to form.</p> <p>14 THE WITNESS: Absolutely. The      15 prevention of the diversion of      16 controlled substances is good for the      17 public.</p> <p>18 (McKesson-Hartle Exhibit 29      19 marked for identification.)</p> <p>20 QUESTIONS BY MR. FARRELL:</p> <p>21 Q. Next exhibit I'm going to have      22 marked is Exhibit 29. It's Exhibit      23 2013_09_13. It's Bates stamp      24 MCK-AGMS-006000880.</p> <p>25 Have you seen this document?</p>	<p>1 corporate entity?</p> <p>2 MS. HENN: Objection to form.</p> <p>3 THE WITNESS: I wasn't aware      4 that he was specifically in the room,      5 but...</p> <p>6 QUESTIONS BY MR. FARRELL:</p> <p>7 Q. The title of this PowerPoint      8 slide is what?</p> <p>9 A. Oh, "State of prescription drug      10 abuse."</p> <p>11 Q. And on the second page, talks      12 about the impact of effective compliance.      13 And it uses lots of America-related stuff,      14 eagles and flags and such.</p> <p>15 Do you see that?</p> <p>16 A. I do see that.</p> <p>17 Q. "Protecting America from      18 Prescription Drug Diversion."</p> <p>19 The next page is a history of      20 understanding the problem, and on page 4 it      21 talks about a collision course.</p> <p>22 And presumably this is two      23 planes colliding in the air, and that's      24 OxyContin and Percocet.</p> <p>25 Do you see that?</p>

<p style="text-align: right;">Page 290</p> <p>1 MS. HENN: Objection to form.      2 THE WITNESS: I see that.      3 QUESTIONS BY MR. FARRELL:      4 Q. "In the late 1990s, doctors      5 aggressively prescribing painkillers - a      6 radical change in health care behavior."      7 And that radical change in      8 health care behavior did what to the number      9 of prescriptions?      10 MS. HENN: Objection to form.      11 THE WITNESS: Increased them.      12 QUESTIONS BY MR. FARRELL:      13 Q. Which resulted in an increase      14 or decrease in the number of pills McKesson      15 sold?      16 A. I don't know exact numbers, but      17 it increased.      18 Q. And then the last part,      19 "Manufacturers fueled the use of prescription      20 painkillers."      21 This is coming from your new      22 head of regulatory affairs at McKesson,      23 agreed?      24 MS. HENN: Objection to form.      25 THE WITNESS: Can you say that</p>	<p style="text-align: right;">Page 292</p> <p>1 played a role.      2 QUESTIONS BY MR. FARRELL:      3 Q. Does McKesson believe the      4 manufacturers fueled the use of prescription      5 painkillers?      6 MS. HENN: Objection to form.      7 Outside the scope.      8 THE WITNESS: I think they      9 played a role. I think there's many      10 reasons -- many things that fueled the      11 epidemic.      12 QUESTIONS BY MR. FARRELL:      13 Q. So would you rather just punt      14 on the question?      15 MS. HENN: Objection to form.      16 THE WITNESS: That's what I'm      17 going to share. That's my answer.      18 QUESTIONS BY MR. FARRELL:      19 Q. So yes or no, does McKesson      20 Corporation believe manufacturers fueled the      21 use of prescription painkillers?      22 MS. HENN: Objection to form.      23 Outside the scope.      24 THE WITNESS: Like I said,      25 my -- they're part of the system.</p>
<p style="text-align: right;">Page 291</p> <p>1 again?      2 QUESTIONS BY MR. FARRELL:      3 Q. Yeah.      4 A. He's not -- he wasn't the head      5 of regulatory affairs.      6 Q. Then, but he is now?      7 A. He's one of the leaders on the      8 regulatory affairs team.      9 Q. Okay. And this is his      10 statement that "Manufacturers fueled the use      11 of prescription painkillers."      12 Is that McKesson's position?      13 MS. HENN: Objection to form.      14 THE WITNESS: I don't know if      15 that's his own specific words or he      16 got that from a previous deck from      17 DEA. I'm not sure.      18 QUESTIONS BY MR. FARRELL:      19 Q. We'll have to ask him.      20 But I'm asking McKesson whether      21 or not it shares this view.      22 MS. HENN: Objection to form.      23 Outside the scope.      24 THE WITNESS: Manufacturers are      25 part of the closed system, like -- and</p>	<p style="text-align: right;">Page 293</p> <p>1 They played a role.      2 QUESTIONS BY MR. FARRELL:      3 Q. So the answer is?      4 A. They played a role. I wouldn't      5 say -- I wouldn't characterize it as fueled.      6 I don't know that I would use that language.      7 Q. Fair enough.      8 The next page, 5 and 6,      9 document Purdue Pharma's \$635 million fine,      10 Cephalon's \$425 million fine.      11 Going to page 7, it's comparing      12 the US rates of opioid overdose deaths, sales      13 and treatment admissions.      14 Do you see that?      15 A. I see that.      16 Q. What is the correlation between      17 opioid sales and opioid deaths? Are they      18 related or unrelated?      19 MS. HENN: Objection to form.      20 THE WITNESS: They're both      21 increasing at a similar rate.      22 QUESTIONS BY MR. FARRELL:      23 Q. So that means they're related      24 or unrelated?      25 MS. HENN: Objection to form.</p>

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<p>1           THE WITNESS: They appear to be 2 related.</p> <p>3 QUESTIONS BY MR. FARRELL:</p> <p>4       Q. Does McKesson believe that 5 opioid sales are related to opioid deaths?</p> <p>6       MS. HENN: Objection to form. 7       Outside the scope.</p> <p>8       THE WITNESS: Can you ask that 9 one more time, please?</p> <p>10 QUESTIONS BY MR. FARRELL:</p> <p>11      Q. Does McKesson believe that 12 opioid sales are related to opioid deaths?</p> <p>13      MS. HENN: Objection to form. 14      Outside the scope.</p> <p>15      THE WITNESS: The volume of 16 opioids in the market and diversion is 17 related to opioid deaths, certainly.</p> <p>18 QUESTIONS BY MR. FARRELL:</p> <p>19      Q. Page 8, the Controlled 20 Substances Act, the very last provision says, 21 "Creates checks and balances between 22 registrants to protect the public health and 23 safety."</p> <p>24      Again, this is again a 25 reaffirmation from Gary Boggs, who is now one</p>	<p>1           MS. HENN: Objection to form. 2           MR. FARRELL: You're right. 3           That's not necessarily a picture of 4 McKesson.</p> <p>5 QUESTIONS BY MR. FARRELL:</p> <p>6       Q. You would agree with me that if 7 a McKesson sales agent came upon a pain 8 clinic and saw this, that would be a red 9 flag?</p> <p>10       MS. HENN: Objection to form. 11       THE WITNESS: It would.</p> <p>12 QUESTIONS BY MR. FARRELL:</p> <p>13      Q. Page 17, historical comparison. 14 He's comparing the opioid crisis to the BP 15 oil spill where 11 people were killed and BP 16 paid 40 billion, plus 16 billion to the Clean 17 Water Act.</p> <p>18      Have more or less than 11 19 people been killed by the opioid crisis?</p> <p>20      A. Clearly more.</p> <p>21      Q. Have more people died today 22 than 11 people?</p> <p>23      MS. HENN: Objection to form. 24      THE WITNESS: Based on the 25 statistics, yes.</p>
<p>1       of your senior regulatory affairs management, 2 acknowledging that the registrants and the 3 DEA have a duty to protect the public health 4 and safety, agreed?</p> <p>5       A. Agreed.</p> <p>6       Q. Page 13. It says, "What can 7 happen when these checks and balances 8 collapse?"</p> <p>9       What do you believe this is a 10 picture of?</p> <p>11       MS. HENN: Objection to form. 12       THE WITNESS: It's a building 13 falling down.</p> <p>14 QUESTIONS BY MR. FARRELL:</p> <p>15      Q. A disaster?</p> <p>16      A. It's a building that's falling 17 down. Why it fell down could be a disaster.</p> <p>18      Q. What do you infer from 19 Mr. Boggs' implication?</p> <p>20      A. That things can go wrong, 21 something can happen.</p> <p>22      Q. Page 16, pictures of pain 23 clinics and people waiting in line to 24 purchase pills sold by McKesson to 25 pharmacies.</p>	<p>1       QUESTIONS BY MR. FARRELL: 2       Q. Page 24. Does McKesson 3 acknowledge and agree there is a national 4 epidemic of prescription pill addiction, 5 abuse, morbidity and mortality?</p> <p>6       MS. HENN: Objection to form. 7       THE WITNESS: Absolutely.</p> <p>8 QUESTIONS BY MR. FARRELL:</p> <p>9       Q. Does McKesson acknowledge the 10 economic impact of this national epidemic in 11 America is greater than \$57 billion per year?</p> <p>12       MS. HENN: Objection to form. 13       Outside the scope.</p> <p>14       THE WITNESS: I don't know 15 where that -- the -- how the 57 16 billion was derived, but there's 17 clearly an -- or an economic impact to 18 the country.</p> <p>19 QUESTIONS BY MR. FARRELL:</p> <p>20      Q. Page 37, "distributors have 21 great power." The last provision. 22      You, McKesson Corporation, 23 control the supply to downstream customers. 24 Does McKesson acknowledge that duty?</p> <p>25      MS. HENN: Objection to form.</p>

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<p>1        So we have about an hour left;      2        we've been going about -- almost six      3        hours. So by agreement we've kept the      4        deposition days to seven hours long,      5        and I'll honor that.</p> <p>6        MS. HENN: More than by      7        agreement. It's also ordered by the      8        judge.</p> <p>9        MR. FARRELL: No question.</p> <p>10      MS. HENN: Just a slight      11     clarification.</p> <p>12      MR. FARRELL: No question.</p> <p>13      Seven hours of answering questions is      14     enough for anybody.</p> <p>15      MS. HENN: It is.</p> <p>16      MR. FARRELL: That being said,      17     I know there's a burden on travel and      18     arrangements; we have a tight      19     schedule. So what I'm going to do is      20     I'm going to finish up some topics,      21     and I'm going to state for the record      22     that I have not been able to get      23     through all of the designated topics      24     today.</p> <p>25      That being said, there are some</p>	<p>1        Obviously, it's going to be      2        subject to the objection of your      3        lawyers, and I just wanted to place      4        that on the record.</p> <p>5        QUESTIONS BY MR. FARRELL:</p> <p>6        Q. Jumping in real quick, I'm not      7        going to spend a whole lot of time on this; I      8        have a very specific question.</p> <p>9        Before we get into the      10      document, there's a reference in here about      11      heroin, and I just wanted to see if I could      12      cut to the chase with you.</p> <p>13      A. Okay.</p> <p>14      Q. As the McKesson corporate      15     representative, do you acknowledge that abuse      16     of prescription opium pills is a gateway to      17     the initiation of heroin?</p> <p>18      MS. HENN: Objection to form.</p> <p>19      Outside the scope.</p> <p>20      THE WITNESS: Based on      21     everything that I've read and in the      22     media and statistics and discussion, I      23     would agree -- agree to that.</p> <p>24      QUESTIONS BY MR. FARRELL:</p> <p>25      Q. If you abuse prescription</p>
<p>1        additional topics that you were not      2        designated for. There's essentially      3        two notices.</p> <p>4        So what we're -- what I'm going      5        to do is recommend that I finish up      6        the topics that I want to get to, and      7        then tomorrow is your fact deposition.      8        And what we'll do is work out with      9        counsel if there are any of these      10      questions that can be answered in      11      writing to avoid you having to come      12      back and testify on things that can be      13      answered.</p> <p>14      And then in addition, there are      15      records and there are -- there is      16      transactional data historically and      17      suspicious order report historically      18      that have not been disclosed yet      19      because of our tight schedules that      20      I'll -- I will be going to ask --      21      eventually to ask for some additional      22      time from you to finish the stuff we      23      didn't get to finish and to ask      24      questions about documents that have      25      not been disclosed yet.</p>	<p>1        opiates, the CDC says that you're 40 times      2        more likely to initiate heroin use.</p> <p>3        Does McKesson acknowledge      4        that -- that prescription opiate pill abuse      5        is a driving factor in the heroin epidemic      6        we're also experiencing?</p> <p>7        MS. HENN: Objection to form.</p> <p>8        Outside the scope.</p> <p>9        THE WITNESS: Yeah, it's a      10      factor.</p> <p>11      QUESTIONS BY MR. FARRELL:</p> <p>12      Q. That was easy.</p> <p>13      A. Yeah.</p> <p>14      Q. All right. Back to this amicus      15      business.</p> <p>16      (McKesson-Hartle Exhibit 38      17      marked for identification.)</p> <p>18      QUESTIONS BY MR. FARRELL:</p> <p>19      Q. I'm going to mark as      20      Exhibit 38, it's 2016_04_04. This is another      21      amicus brief. This one is Masters      22      Pharmaceutical.</p> <p>23      Does McKesson acknowledge that      24      in 2016 when this amicus brief was submitted      25      that it was still on the executive committee</p>

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<p>1 Waterloo Road, Akron, number 2 pharmacy?</p> <p>2 Look at what the number 4 one</p> <p>3 is, just right down the street.</p> <p>4 So again, I think it's worth</p> <p>5 looking into, don't you think?</p> <p>6 A. I agree. I would love to have</p> <p>7 more context and get into the details.</p> <p>8 Q. Okay. This is going to draw an</p> <p>9 objection from your counsel. What would be a</p> <p>10 reason to set a threshold for 999,999?</p> <p>11 MS. HENN: Objection to form.</p> <p>12 THE WITNESS: There are -- in</p> <p>13 the system there are subsets to base</p> <p>14 codes, and so a -- for example, 91 --</p> <p>15 91 -- 9193, which is hydrocodone, may</p> <p>16 have some subsets for reporting</p> <p>17 purposes for us. There may be a</p> <p>18 subset, and there could be one or more</p> <p>19 of these. There could be a subset for</p> <p>20 10 milligram. There could be a subset</p> <p>21 for the single entity hydrocodone.</p> <p>22 And so we can carve those out</p> <p>23 from reporting purposes. That's --</p> <p>24 the 999,999 does not mean that they</p> <p>25 can get 999,000 pills. It means that</p>	<p>1 THE WITNESS: You know, I</p> <p>2 can't -- I can't say on the data and</p> <p>3 the comparison compared to -- those</p> <p>4 are data points to look at. They're</p> <p>5 big numbers, no doubt.</p> <p>6 QUESTIONS BY MR. FARRELL:</p> <p>7 Q. Do you agree that one of the</p> <p>8 foreseeable harms of engaging in unlawful</p> <p>9 conduct in the distribution of prescription</p> <p>10 opioids is diversion?</p> <p>11 MS. HENN: Objection. Form.</p> <p>12 THE WITNESS: Could you ask</p> <p>13 that again?</p> <p>14 QUESTIONS BY MR. FARRELL:</p> <p>15 Q. One of the harms --</p> <p>16 A. You said foreseeable first, but</p> <p>17 harms --</p> <p>18 Q. I'll go back and do it.</p> <p>19 Do you agree that one of the</p> <p>20 foreseeable harms of engaging in unlawful</p> <p>21 conduct in the distribution of prescription</p> <p>22 opioids is diversion?</p> <p>23 MS. HENN: Objection to form.</p> <p>24 THE WITNESS: I think it can</p> <p>25 be.</p>
<p style="text-align: center;">Page 363</p> <p>1 that base code does not conflict with</p> <p>2 the main parent -- what I would call a</p> <p>3 parent base code.</p> <p>4 And so it's for reporting</p> <p>5 purpose only. It has nothing to do</p> <p>6 with allowing the amount of that total</p> <p>7 base code. The parent trumps that</p> <p>8 one. It's for reporting purposes</p> <p>9 only.</p> <p>10 QUESTIONS BY MR. FARRELL:</p> <p>11 Q. Do you know how many doses</p> <p>12 McKesson distributed of oxycodone nationwide</p> <p>13 from January 1, 2006 and December 31, 2014?</p> <p>14 This is from ARCOS.</p> <p>15 A. I don't have that number.</p> <p>16 MS. HENN: Objection to form.</p> <p>17 QUESTIONS BY MR. FARRELL:</p> <p>18 Q. 9,288,258,480 doses of</p> <p>19 oxycodone nationwide. That's more than</p> <p>20 there's people in our country.</p> <p>21 Distributed 423 million</p> <p>22 oxycodone doses in the state of Ohio. That's</p> <p>23 over 119 billion milligrams of oxycodone.</p> <p>24 Do you think that's too many?</p> <p>25 MS. HENN: Objection to form.</p>	<p style="text-align: center;">Page 365</p> <p>1 QUESTIONS BY MR. FARRELL:</p> <p>2 Q. Do you agree that filling</p> <p>3 suspicious orders is a direct and proximate</p> <p>4 cause of prescription opioid abuse,</p> <p>5 addiction, morbidity and mortality?</p> <p>6 MS. HENN: Objection to form.</p> <p>7 THE WITNESS: Filling specific</p> <p>8 orders?</p> <p>9 MS. HENN: Suspicious orders is</p> <p>10 the word he used.</p> <p>11 THE WITNESS: Suspicious</p> <p>12 orders.</p> <p>13 There's a lot of reasons for --</p> <p>14 that orders may get flagged as</p> <p>15 suspicious, so I think it depends.</p> <p>16 QUESTIONS BY MR. FARRELL:</p> <p>17 Q. That's fair.</p> <p>18 A. They'll get flagged as an order</p> <p>19 of unusual size, frequency or pattern and not</p> <p>20 mean that it's suspicious or</p> <p>21 diversion-related.</p> <p>22 Q. Do you believe the prescription</p> <p>23 opiate epidemic is an immediate hazard to</p> <p>24 public health and safety?</p> <p>25 MS. HENN: Objection to form.</p>

<p style="text-align: right;">Page 366</p> <p>1        THE WITNESS: How do you -- how      2        are you defining "immediate hazard"?</p> <p>3        QUESTIONS BY MR. FARRELL:</p> <p>4        Q.     A hazard.</p> <p>5        A.     A hazard?</p> <p>6        Sure.</p> <p>7        MR. FARRELL: Okay. We will      8        adjourn with the reservation of rights      9        for one day, continuing the subject      10      matters that most interest the      11      plaintiffs in the MDL in the 30(b)(6)      12      notices.</p> <p>13      MS. HENN: And, I mean, we will      14      object to continuing past the limit      15      set by the Court. We feel that there      16      was a lot of time today that was spent      17      asking legal questions that could have      18      been spent on topics.</p> <p>19      MR. FARRELL: There was also a      20      lot of time spent reading documents      21      that were listed in my 30(b)(6).</p> <p>22      MS. HENN: Documents that you      23      put in front of the witness and wanted      24      him to read.</p> <p>25      But more importantly, I wanted</p>	<p style="text-align: right;">Page 368</p> <p>1        CERTIFICATE</p> <p>2        I, CARRIE A. CAMPBELL, Registered      3        Diplomatic Reporter, Certified Realtime      4        Reporter and Certified Shorthand Reporter, do      5        hereby certify that prior to the commencement      6        of the examination, Nathan J. Hartle was duly      7        sworn by me to testify to the truth, the      8        whole truth and nothing but the truth.</p> <p>9        I DO FURTHER CERTIFY that the      10      foregoing is a verbatim transcript of the      11      testimony as taken stenographically by and      12      before me at the time, place and on the date      13      hereinbefore set forth, to the best of my      14      ability.</p> <p>15      I DO FURTHER CERTIFY that I am      16      neither a relative nor employee nor attorney      17      nor counsel of any of the parties to this      18      action, and that I am neither a relative nor      19      employee of such attorney or counsel, and      20      that I am not financially interested in the      21      action.</p> <p>22      CARRIE A. CAMPBELL,      23      NCRA Registered Diplomatic Reporter      24      Certified Realtime Reporter      25      California Certified Shorthand      1        Reporter #13921      2        Missouri Certified Court Reporter #859      3        Illinois Certified Shorthand Reporter      4        #084-004229      5        Texas Certified Shorthand Reporter #9328      6        Kansas Certified Court Reporter #1715      7        Notary Public      8        Dated: August 3, 2018</p>
<p style="text-align: right;">Page 367</p> <p>1        to ask the court reporter to please      2        designate this transcript      3        provisionally highly confidential,      4        which is required under the deposition      5        protocol, and I also wanted to reserve      6        the right to read and sign.</p> <p>7        I have no questions, and so I      8        think we are finished.</p> <p>9        VIDEOGRAPHER: Okay. The time      10      is 5:47 p.m., July 31, 2018. Going      11      off the record completing today's      12      videotaped session.</p> <p>13      (McKesson-Hartle Exhibit 40      14      marked for identification.)</p> <p>15      (Deposition concluded at 5:47 p.m.)</p> <p>16      -----</p>	<p style="text-align: right;">Page 369</p> <p>1        INSTRUCTIONS TO WITNESS</p> <p>2</p> <p>3        Please read your deposition over      4        carefully and make any necessary corrections.      5        You should state the reason in the      6        appropriate space on the errata sheet for any      7        corrections that are made.</p> <p>8        After doing so, please sign the      9        errata sheet and date it. You are signing      10      same subject to the changes you have noted on      11      the errata sheet, which will be attached to      12      your deposition.</p> <p>13      It is imperative that you return      14      the original errata sheet to the deposing      15      attorney within thirty (30) days of receipt      16      of the deposition transcript by you. If you      17      fail to do so, the deposition transcript may      18      be deemed to be accurate and may be used in      19      court.</p>